IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6303 OF 2005.

The State of Maharashtra. ... Applicant.

Versus.

Sou.Sarojini Pravin Devarshi & anr. ... Respondents.

Shri S.R.Shinde, A.P.P. for the Applicant.

Shri A.M.Kulkarni for the Respondents Nos.1 and 2.

CORAM : ABHAY S.OKA, J.

DATED : 10th November, 2006.

P.C.:

1. Heard Shri Shinde for the Applicant and Shri Kulkarni for the Respondents Nos.1 and 2. The acquittal of the Respondent No.1 is for offence punishable under section 324 of the Indian Penal Code. The Respondents have been acquitted for offence punishable under sections 323 and 504 of the Indian Penal Code.

2. The case of the prosecution is that on 25th May 1999 in the morning the Complainant heard the accused fighting with their neighbour Janatai. According to the case of the complainant, when he questioned the Accused No.1, the Accused No.1 started assaulting her with fist blows and abused her. The specific case of the Complainant is that the Accused No.1 took bite of the wrist of the Complaint. According to the complainant, she was pregnant at the relevant time.

3. A perusal of the impugned Judgment and order shows that the learned trial Judge has considered the

evidence of all the prosecution witnesses. The learned Judge found that the none of the alleged eye witnesses had stated to the Police that they had seen the Accused No.1 bite left hand wrist of the complainant. The learned Judge recorded a finding that except the complainant all other alleged eye witnesses were on inimical terms with the Accused in view of the pending proceedings in the Court. The learned Judge found that the evidence of the Medical Officer was not consistent with the prosecution case and the said evidence affects the credibility of the prosecution witnesses.

4. It is obvious that the view taken by the learned Judge is a possible view which could have been taken on the basis of the appreciation of the evidence. No case is made out for grant of leave. Application for leave is rejected.

Judge.